

## Message Text

CONFIDENTIAL

PAGE 01 STATE 041181  
ORIGIN AF-08

INFO OCT-01 ISO-00 USIA-06 L-03 /018 R

DRAFTED BY AF/E:PGSMITH:JJ  
APPROVED BY AF:WBEDMONDSON  
AF/E:RSPOST (DRAFT)  
USIA/IAA:HDAWSON (DRAFT)  
L/AF:HFSHAMWELL (DRAFT)  
-----240706 021272 /13

R 240209Z FEB 77  
FM SECSTATE WASHDC  
TO AMEMBASSY LILONGWE

C O N F I D E N T I A L STATE 041181

E.O. 11652: GDS

TAGS: PFOR, PINS, PDIP, MI, US

SUBJECT: ENTRY OF USIS LIBRARY/ARREST OF LIBRARIAN

REF: A. LILONGWE 235; B. LILONGWE 228; C. LILONGWE 227  
D. STATE 10090

1. DEPARTMENT AND USIA HAVE CAREFULLY REVIEWED REFS A-C,  
AND PARTICULARLY APPRECIATE THOROUGH STATUS REPORT IN  
REF. C. WE AGREE THAT THE GOM'S NOTE (REF. A) ADEQUATELY  
APOLOGIZES FOR POLICE VIOLATION OF LIBRARY PREMISES, AND  
APPRECIATE EMBASSY'S FORCEFUL PURSUIT OF THIS ASPECT OF  
THE CASE TO CONCLUSION.

2. WE DO NOT BELIEVE, HOWEVER, THAT WE SHOULD REGARD THE  
MATTER OF FSLE FUNSANI'S ARREST AS SIMILARLY CLOSED. ONE  
IMPORTANT QUESTION CONCERNS OUR PROPER STANCE TOWARD A  
LONG-TIME AND VALUED EMPLOYEE (AND THE EFFECT OF THAT  
STANCE ON THE MORALE OF OTHER FSLE'S AT THE POST). MORE-  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 041181

OVER, WE ALSO NOTE THAT THE GOM HAS COMPLETELY IGNORED THE  
ISSUE OF THE EFFECT ON THE EMBASSY'S OPERATIONS OF HIS  
DETENTION. BOTH AMBASSADOR SCHAUFLE AND THE EMBASSY, IN  
ITS AIDE MEMOIRE, PROTESTED FUNSANI'S SUMMARY ARREST AND  
INCOMMUNICADO DETENTION, WITH CONSEQUENT DISRUPTION OF  
LIBRARY OPERATIONS. THE GOM'S NOTE MAKES NO MENTION OF  
THIS ISSUE.

3. DEPARTMENT AND USIA WOULD APPRECIATE EMBASSY COMMENTS ASAP ON THE FOLLOWING PROPOSED COURSE OF ACTION, WHICH WE ARE HOPEFUL WOULD BOTH PRESERVE OUR LEGAL POSITION AND MAXIMIZE CHANCES FOR FUNSANI'S EARLY RELEASE.

A. ASSUMING THAT THERE HAS NOT YET BEEN A RESPONSE TO ITS AIDE MEMOIRE (REF. B), EMBASSY WOULD IMMEDIATELY TRANSFORM PAO'S REQUEST TO SEE FUNSANI INTO A FORMAL NOTE, REFERRING TO ARTICLE 38 OF THE VIENNA CONVENTION (REF. D) AND STRESSING THE IMPACT THAT SUMMARY ARREST OF FUNSANI HAS HAD ON LIBRARY OPERATIONS. NOTE SHOULD ALSO STATE CONCERN THAT FUNSANI'S DETENTION APPEARS TO BE DUE, AT LEAST IN PART, TO ACTIONS HE PERFORMED UNDER EMBASSY INSTRUCTIONS AS PART OF HIS OFFICIAL DUTIES, AND REITERATE EMBASSY VIEW THAT SUCH ACTIONS SHOULD NOT BE GROUNDS FOR GOM ACTION AGAINST HIM AS AN INDIVIDUAL (FYI: KAMWANA'S VIGOROUS DENIAL (REF. C PARA 3) NOTWITHSTANDING, FROM WHAT WE UNDERSTAND OF THE ARBITRARY WAY DETENTION DECISIONS ARE MADE IN MALAWI IT SEEMS LIKELY THAT FUNSANI'S OFFICIAL ACTIONS AT LEAST CONTRIBUTED TO THE GOM'S ACTION AGAINST HIM. IN ANY CASE, SUCH AN ASSERTION STRENGTHENS OUR CASE FOR INTERVENING. END FYI).

B. IF THERE IS NO ANSWER TO ABOVE NOTE IN ONE WEEK'S TIME, AMBASSADOR SCHAUFLELE WOULD CALL IN MALAWIAN CHARGE AND REPEAT SUBSTANCE OF NOTE, TO EMPHASIZE SERIOUSNESS WITH WHICH USG VIEWS THIS ASPECT OF CASE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 041181

C. USIS WOULD TAKE NO STEPS TO HIRE A REPLACEMENT FOR FUNSANI, ON THE CONTRARY MAINTAINING HIM ON THE PAYROLL AND CONTINUING TO OPERATE THE LIBRARY WITH PROJECTIONIST/ CUSTODIAN STAFFING FOR AS LONG AS NECESSARY, PERHAPS WITH PERIODIC VISITS BY FSLE FROM LILONGWE AS REQUIRED. ANY CURTAILMENT OF HOURS OR ACTIVITIES RESULTING FROM THIS ARRANGEMENT WOULD BE ASCRIBED TO "STAFF SHORTAGE, WHICH WE HOPE WILL BE TEMPORARY."

D. EMBASSY AND USIS WOULD MEANWHILE ALSO MAINTAIN AMBIGUITY ABOUT OPENING DATE OF USIS CENTER IN LILONGWE FOR AS LONG AS POSSIBLE, AND IF ASKED WOULD RESPOND IN GENERAL TERMS THAT A DECISION ON AN OPENING DATE WAS IN ABEYANCE PENDING A REVIEW OF OPERATING DIFFICULTIES EXPERIENCED IN BLANTYRE.

4. WE SHARE EMBASSY'S CONCERN NOT TO DO ANYTHING AGAINST FUNSANI'S INTEREST, BUT BELIEVE THAT THIS MORE ACTIVIST POSTURE, BY BRINGING HOME TO GOM OUR INTEREST IN FUNSANI'S

FATE, WOULD NOT BE COUNTERPRODUCTIVE. IT IS EVEN CONCEIVABLE THAT AUTHORITIES MIGHT FIND IT EASIER ALL AROUND TO RELEASE HIM AND BE RID OF THIS IRRITANT IN OUR RELATIONS. BUT EVEN IF HIS DETENTION IS PROTRACTED, WE THINK THAT PAO CAN PROPERLY INSIST ON REGULAR VISITS AS LONG AS FUNSANI REMAINS ON THE PAYROLL. THAT IN TURN WOULD PRESUMABLY GIVE GOM AN INCENTIVE NOT TO MISTREAT HIM.  
VANCE

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** DIPLOMATIC PRIVILEGES, ARRESTS, LIBRARIES, GOVERNMENT REACTIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 24-Feb-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977STATE041181  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** PGSMITH:JJ  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770063-1112  
**Format:** TEL  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t19770213/aaaaaldo.tel  
**Line Count:** 125  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 2f5fc1bf-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN AF  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 LILONGWE 235, 77 LILONGWE 228, 77 LILONGWE 227, 77 STATE 10090  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 07-Feb-2005 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3239799  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** ENTRY OF USIS LIBRARY/ARREST OF LIBRARIAN  
**TAGS:** PFOR, PINS, PDIP, MI, US  
**To:** LILONGWE  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/2f5fc1bf-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009